

LEWIS AND CLARK COUNTY  
CONSOLIDATED OFFICE OF TREASURER/CLERK & RECORDER

**DELINQUENT TAX PROCESS**

Delinquent tax list(s) may not be used for unsolicited mass mailings, house calls, distributions, or telephone calls. A person violating the provisions of MCA 2-6-109(1)(b) is guilty of a misdemeanor.

**The booklet is a brief outline of the statutes to assignments of tax sale certificates and tax deeds. It does not contain legal advice nor does Lewis and Clark County provide legal advice to anyone regarding tax lien sales. Ultimately, it is the purchasers or assignees of tax lien sale certificates responsibility to comply with Montana state laws and/or retain legal counsel.**

Real Estate Specialist II  
406-447-8329

Supervisor  
Delinquent Tax Collector  
406-447-8362

City-County Building  
316 N Park Ave., Rm 113  
Helena, MT 59623

**\*\*Please note: Lewis and Clark County Treasurer's office does not conduct tax sale assignment business during the tax season months of May of November; resuming when the processing of current postmarked mail is complete.**

## DELINQUENT TAX PROCESS

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# ***REAL PROPERTY DELINQUENT TAXES***

## ***FREQUENTLY ASKED QUESTIONS***

Q. When and where is the tax lien sale advertised?

A. The month of July in the local newspaper, The Independent Record.

Q. How and when do I register for the Tax Lien Sale?

A. There is no registration.

Q. What are the payment requirements at the Tax Lien Sale?

A. There are no payments required at the tax lien sale. The Notice of Pending Assignment has to be processed first.

Q. What is the bidding process?

A. There is no bidding process.

Q. What type of document is issued at the tax lien sale?

A. No documents are issued at that time.

Q. Are there any other expenses in addition to the cost of the lien?

A. There is a \$25.00 fee for taking an assignment.

Q. What is the foreclosure process and will the County handle the process for a fee?

A. It is the purchaser's responsibility to proceed with the legal process. This is referred to as the Assignment Process. The County does not do the Assignment Process for the purchaser.

Q. What happens to the liens that are not sold at the Tax Lien Sale?

A. The County holds the lien on the delinquent property. At any time after the tax lien sale certificate has been issued the public can take an assignment on the property. This is done at the Treasurer's / Property Tax office.

Q. Can investors participate, via mail, telephone, or fax, in the tax lien sale process without attending the tax lien sale?

A. Without researching which properties are delinquent and where they are located it would be difficult over the phone, fax, or mail. Anyone can request a delinquent tax list by calling (406) 447-8329. There is a fee for this list.

Q. What is the rate of interest in the County?

A. The interest rate is .0274% per day, 10 % per year

Q. Do I need to have a title search done for the Tax Deed process?

A. You will need to have a property title guarantee done by a licensed title insurance producer.

## ASSIGNMENT PROCESS

Delinquent taxes on Real Property are a lien on the property. This lien is offered for sale at a Tax Lien Sale in July following the year for which the taxes are owed; i.e. the tax lien for 1992 taxes is sold at a Tax Lien Sale in July of 1993. If no one purchases the lien at the Tax Lien Sale, the County is considered the purchaser. The purchaser of the lien, whether it is the County or some third party, may then assign the lien to another person via the Assignment Process. The owner of the property or party of record may redeem the property at any time during the Redemption Period. If the property is not redeemed, a Tax Deed is issued to the assignee of the lien.

## TAX LIEN SALE

The Tax Lien Sale is held every July at the County Treasurer's Office at 316 North Park Room 113, Helena, MT. The tax lien sale starts at 9 AM one day and closes at 9 AM the next day. The purchaser must know the current owner's name before starting the assignment process. There are several ways to search out this information.

- Lookup the current owner on the State of MT web site, [www.cadastral.mt.gov](http://www.cadastral.mt.gov).
- You may look up tax information on our website: [www.lccountymt.gov](http://www.lccountymt.gov) under the COMMUNITY tab, Tax information, you can search under GEO Code, property ID number, owner's last name, or property address.

### Tax lien sale dates:

TAX YEAR	DATE
2010	July 14, 2011
2011	July 12, 2012
2012	July 11, 2013
2013	July 10, 2014
2014	July 16, 2015
2015	July 14, 2016

## NOTICE OF PENDING ASSIGNMENT

A Notice of Pending Assignment must be sent to the current owner of the desired property.

1. The form of the notice must be adopted by the department by rule. The notice must have been mailed at least 2 weeks prior to the date of the payment but may not be mailed earlier than 60 days prior to the date of the payment. The person making the payment shall provide proof of the mailing.
2. The owner has two weeks from the date of Notice to pay all outstanding taxes and costs, which voids the Notice of Pending Assignment.
3. If after the two-week period the taxes are still outstanding the Assignee returns a copy of the Notice of Pending Assignment with the postal certified receipt. If the Assignee wants to be reimbursed for any out of pocket costs they must enclose a copy of a Certification of Costs form at the time said costs are incurred.
4. The Assignee must pay all delinquent taxes and a \$25.00 Assignment Fee to the County Treasurer.
5. The Assignee receives a Tax Lien Sale Certificate and Assignment document for each delinquent year taxes paid under assignment.
6. The owner of record receives a Tax Lien Sale Certificate for each year under assignment and a Notice of Assignment.

## **NOTICE OF PENDING TAX DEED ISSUANCE**

After the property has been under assignment for three years from the date of the oldest tax lien sale, the Assignee may start the tax deed process.

1. A Notice of Pending Tax Deed must be sent to all parties and occupant by certified mail with signature requested.
2. The Assignee must do a property title guarantee to determine who has an interest in the property. A title company shall be hired to do this.
3. Submit a new Certificate of Costs to the County Treasurer / Property Tax for reimbursement of any out of pocket expenses.
4. If any of the certified letters are returned to the Assignee, there must be an ad placed in the local newspaper, running once a week for two (2) weeks.
5. The owner has 60-days, from the date of the letter to respond to the Notice of Pending Tax Deed.

## **PROOF OF NOTICE**

1. Proof of Notice has to be filed with the Clerk and Recorder within 30-days of the date of the Notice of Pending Tax Deed issuance letter, or 30-days of the first publication.
2. A copy of each Notice of Pending Tax Deed sent and the certified mail receipt with signature requested, or the undeliverable mail receipt must be attached to the Proof of Notice.
3. If an ad was placed in the local paper, a copy of the ad also needs to be attached to the Proof of Notice.
4. Attach a new Certificate of Costs to the County Treasurer / Property Tax for reimbursement of any out of pocket expenses.

If at the end of the 60-day period there has been no redemption of delinquent taxes, the Assignee can submit an Application for Tax Deed to the County Treasurer / Property Tax.

## **REDEMPTION PERIOD**

The 60-day period required for the Notice of Pending Tax Deed is referred to as the Redemption Period. Parties of record can redeem the property anytime during the 60-day period by:

1. Paying all costs, taxes and interest.
2. A receipt goes to the payee of the redemption, a cover sheet and Certificate of Redemption goes to the Assignee, which indicates that all costs have been paid and the property has been redeemed.
3. The Assignee must return to the Treasurers Office the Tax Lien Sale Certificate, Assignment documents, Certificate of Redemption forms, and cover sheet before a refund of all monies paid will be issued.

## **APPLICATION FOR TAX DEED**

1. Upon receiving an Application for Tax Deed with the required \$25.00 fee the County Treasurer will issue the Tax Deed.
2. The Clerk and Recorder will record for you, the tax deed with a Realty Transfer Certificate into the County Records for a fee.

## **HELP**

Lewis & Clark County Treasurer's Office 406-447-8329 or 406-447-8362

Lewis & Clark County Web Site – [www.lccountymt.gov](http://www.lccountymt.gov)

Montana State web site at [www.mt.gov](http://www.mt.gov) Access the Montana state statues under government, Montana Code Annotated, Title 15 - Taxation, Chapters 15, 16, 17 & 18 for reference to the laws on the delinquent tax process.

## NOTICE OF PENDING ASSIGNMENT

(Pursuant to 15-17-212 and 15-17-323, MCA)

**THIS NOTICE IS VERY IMPORTANT** with regard to the purchase of the Tax Sale Certificate, which Lewis & Clark County holds on the following property. If the delinquent taxes are not paid **IN FULL** within **2 WEEKS** from the date of this notice, an assignment of Tax Sale Certificate will be purchased. **THIS COULD RESULT IN THE LOSS OF YOUR PROPERTY LISTED BELOW.**

Please direct any questions to:  
Lewis & Clark County Treasurer  
316 N Park Ave; Room 113  
Helena, MT. 59623

Telephone (406) 447-8329 or (406) 447-8362.

PLEASE FILL IN THE FOLLOWING INFORMATION:

**OWNER OF RECORD:**

**MAILING ADDRESS OF OWNER OF RECORD:**

**LEGAL DESCRIPTION:**

**PARCEL NUMBER:**

**GEO CODE:**

**DATE OF NOTICE:**

---

**Signature of Interested Assignee**

**NOTICE OF PENDING TAX DEED ISSUANCE**  
**(15-18-215, MCA)**

Geo Code#

To:

And to all persons owning, occupying and claiming an interest, whether legal or equitable in the property described in the notice:

Pursuant to section 15-18-212, MCA, **NOTICE IS HEREBY GIVEN:**

1. As a result of a property tax delinquency, a property tax lien exists on the following described real property in which you may have an interest: .
2. The property taxes became delinquent on .
3. The property tax lien was attached as the result of a tax lien sale held on .
4. The property tax lien was purchased at a tax lien sale on . by Lewis and Clark County, 316 N Park Ave, Room 113, Helena, MT 59623.
5. The lien was subsequently assigned to
6. The amount of taxes due, including penalties, interest and costs, as of the date the assignment was taken and any subsequent years paid.
  - i. TAXES \$
  - ii. PENALTIES \$
  - iii. INTEREST \$
  - iv. COSTS \$
7. For the property tax lien to be liquidated, the total amount listed above, plus additional interest computed at a rate of .0274 % per day times the number of days since the assignment was taken out 15-18-112, MCA, must be paid by , which is the date that the redemption period expires or expired. (You may be responsible for any additional costs incurred.)
8. If all taxes, penalties, interest, and costs are not paid to the County Treasurer on or prior to , which is the date the redemption period expires, or on or prior to the date on which the County Treasurer will otherwise issue a tax deed, a tax deed may be issued to the purchaser on the day following the date that the redemption period expires or on the date the County Treasurer will otherwise issue a tax deed.
9. The business address and telephone number of the County Treasurer who is responsible for issuing the tax deed is: Lewis and Clark County Treasurer, 316 N Park Ave, Room 113, Helena, MT 59623. Telephone Number: (406) 447-8329 or 447-8362.

If this notice is published, it meets the legal requirements for Notice of a Pending Tax Deed Issuance. The address of the party is unknown. The party's rights in the property may be in jeopardy.

Dated at Helena, Montana this                      day of,                      ,                      .  
The name and address of the purchaser of tax lien:

AFFIDAVIT OF:

\_\_\_\_\_  
(Name)

STATE OF MONTANA)

County of Lewis and Clark )

:

\_\_\_\_\_being first duly sworn upon his oath, deposes and says:  
(Name)

1. My name is \_\_\_\_\_  
(Name)
2. I have knowledge of Mont. Code Ann. § 15-17-212 (3) (2005) and Mont. Code Ann. § 15-17-323 (5) (2005), which require me to send a two (2) week letter to the owner of record by certified mail.
3. The address of the owner(s) of record, (Print Names)  
\_\_\_\_\_, has been listed as unknown.
4. The U.S. Postal Service will not send certified mail to an unknown address.
5. I have searched the public records in the following offices:  
\_\_\_\_\_
6. I have been unable to locate a current mailing address for the owner of record.
7. The Geo Code number for this property is #\_\_\_\_\_.

Further, Affiant sayeth not.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Notary Public for the State of Montana

Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



## PROOF OF NOTICE

I, \_\_\_\_\_, acting as or on behalf of the owner of the property tax lien, have complied with the notice requirements of Title 15, Chapter 18, MCA as follows:

1. A "Notice of Issuance of Tax Deed" was mailed to the owners, current occupant, and parties, required by 15-18-212, MCA. A copy of each notice is attached and is on file in the Office of the County Clerk and Recorder.
2. The notices were mailed by certified mail, return receipt requested. Copies of the return receipts are attached and are on file in the Office of the County Clerk and Recorder. The cost to file with the Clerk & Recorder is currently \$5.00.
3. Notice was given to parties with unknown addresses by publishing in the official newspaper of the County, which is \_\_\_\_\_ on, \_\_\_\_\_ and \_\_\_\_\_. Proof of publication is attached.

Date: \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_

Before me the undersigned, personally appeared \_\_\_\_\_

Known to me (or proved to me on the oath of \_\_\_\_\_)

to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she or they) executed the same.

## NOTARY PUBLIC FOR THE STATE OF MONTANA

\_\_\_\_\_  
signature

\_\_\_\_\_  
print name

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

## APPLICATION FOR TAX DEED

**NAME:**

**ASSIGNMENT #:**

**OLDEST DELINQUENT TAX YEAR:**

**DATE ASSIGNMENT TAKEN:**

**DATE OF 1<sup>ST</sup> TAX LIEN SALE:**

**GEO CODE:**

**OR PIN #:**

**FULL LEGAL DESCRIPTION:**

I am the holder of the Tax Lien Sale Certificate referred to above, and I hereby apply to the Lewis & Clark County Treasurer for a Tax Deed to the above-described property. I have given notice and have filed the proof of that notice within 30-days of the mailing or publishing of the notice as required by section 15-18-212, MCA. I have attached a copy of the notice with the filing date thereon or the required information is on file in the Clerk and Recorder's office. This information was filed or recorded on (Date) \_\_\_\_\_ and can be found in Book \_\_\_\_\_ Page \_\_\_\_\_ or under notices, publications, tax deeds (MISC#).

**SIGNATURE:** \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_,  
Before me the undersigned, personally appeared \_\_\_\_\_  
Known to me (or proved to me on the oath of \_\_\_\_\_  
to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he (she or they) executed the same.

**NOTARY PUBLIC FOR THE STATE OF MONTANA**

\_\_\_\_\_  
signature

\_\_\_\_\_  
print name

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

CERTIFICATON OF COSTS  
MCA 15-17-121 (2)(a)(b) (5)  
**Incurred By Purchaser of a Property Tax Lien**

GEO CODE #: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_

Assessed Owner: \_\_\_\_\_  
\_\_\_\_\_

Received Costs:	Amount:
1. _____	_____
2. _____	_____
3. _____	_____
Total	_____

I, the undersigned, hereby certify that the above-described receipted costs were incurred by me as the purchaser and assignee of a property tax lien on the above-described property.

\_\_\_\_\_  
Signature of Assignee:

\_\_\_\_\_  
Printed Name of Assignee:

**In order to insure the proper amount is charged at the time of redemption, you need to furnish the costs at the time they are incurred. If you provide receipts, this does not need to be notarized.**

State of Montana  
County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

**[Montana notaries must complete the following if not part of stamp at left]**

\_\_\_\_\_  
(Printed name of notary public)  
Notary for the state of \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_